



## Commission on the Humane Treatment of Animals

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### Meeting Minutes for Thursday, March 27, 2008

The following commission members were present: Sheila Presby, Roni McCall, Jerilee Zezula, Dick Wentzell, Maureen Prendergast, Jim Kennedy, Jan Gardner for Elin Phinizy, Deb Simson, Representative Carla Skinder, Michael Hughes, Joanne Bourbeau, Mark Ellingwood, Steve Sprowl and Nancy Johnson

Also present: Jill Tucker, Vermont Cruelty Response System

#### **Update on new/replacing and returning members**

Jim Kennedy for NH Wildlife Federation; Deb Simson for NH Cat Fanciers. and David Stowe will now be the State Veterinarians designee when Dr. Crawford cannot attend.

Peter Marsh has resigned his Public/Attorney position and Diane Puckhaber will now take that position. Cassandra Gatsas did not return a letter so her position is now open. Dick Wentzell will now fill that position as representative for shelter boards.

George Cook also did not return a letter so we will have to fill his position for the NH Sled Dog Association. Joyce Mattot is secretary for that organization as well as our representative for the American Boarding Kennel Association so Roni will ask her to help us get a new representative for George.

Jeri Zezula would like to go to a Public Member position. Chairwoman Sheila Presby indicated that the people who have been on the commission for a while with no appointment letter will be given the opportunity to go into the Public open positions if they choose.

#### **Approval of last meetings minutes**

The minutes of the 2/24/08 meeting were approved with amendments.

Next we went to a discussion on whether the commission can publicly support a bill. The consensus is that our commission is an advisory group to the governor and cannot lobby for or against a bill as a commission. However, each individual and organization can support or not.

We can as a commission send the Governor a monthly update stating the strengths and/or weaknesses of a bill and we should in the event the Governor may need that information before signing an animal bill into law.

### **Presentation on Vermont's Cruelty Response System**

Speaker, Jill Tucker of the Vermont Humane Federation, regarding the Cruelty Response System (CRS) pilot project

Jill's presentation has been attached to these minutes

The commission had engaged in a question and discussion session regarding the presentation. We learned that the CRS is not legislatively driven but run by a private organization which the state police or sheriff's etc can utilize. As a private organization, they fundraise to finance the cost on a case by case basis and this is taking the burden of the towns to fully support the care of the animals until the case goes to court.

Steve Sprowl stated that in NH police departments, ACO's etc don't want to get involved in animal cruelty cases for a variety of reasons. Some are not trained on animal law, others don't have the people power and some ACO's are only dealing with dogs because of funding restraints.

Steve went onto say that the cruelty response system would be good for NH, but unfortunately Steve doesn't think it will work at the present time as we have very few investigators here in NH and police officers and ACO's are not trained in animal cruelty. Steve referred to a recently case where the NH State Police got a warrant to check out some horses with a NH licensed veterinarian and the veterinarian ordered the horses removed from the property. Now the State Police and the Prosecutor of that county want to give the animals back with no charges to be filed. State Police do not like to

handle animal cases. They want to patrol the highways and by-ways and catch speeders.

Steve further stated if we were going to have a system in NH, we need to make sure the people in charge of that system know the laws and have been trained in animal cruelty investigations and know about animals to make sure the cases get the best investigations and resolve the issues.

We could have a centralized reporting agency but if that agency has no one to pass on the information to, it won't work.

Example, NHSPCA is the main agency in NH that receives reports via email and by phone daily. The NHSPCA receives 70-80 reports a month. Steve's first duty in the morning is to check the voice mails, cell phone and emails then take the cases I can and pass the others onto other agencies. Steve receives calls from all over the state. The cases get sent to the Investigator in Monadnock HS, the Bedford Animal Rescue League and the Dept. of Agriculture, as well as to towns that have ACO's to handle animal complaints. Steve acts now as the central dispatcher.

One of the problems we have is towns and cities with no ACO's to handle cruelty complaints. Steve and/or his part time agent take these cases. Sometimes Steve can get the areas Police Department involved to investigate the complaint, and an officer will call him back asking what he/she should do and then they are guided through the process.

Steve doesn't mind doing this as part of his job, but he feels that the Cruelty Response system is already at work here in NH and we just need a better list of contacts and actually more trained officers to handle cruelty issues.

The other problem is that we have very little authority in this state. Most investigators are not empowered to make arrests unless they are sworn in as deputies by a Sheriff Department. Most of the Sheriff Departments are not willing to swear in special deputies because of liability and insurance issues. Even if sworn, some do not have the qualifications to handle full investigations and have never been trained or are experienced in law enforcement. Steve proposes we should have the same set up here in NH as the Mass MSPCA does. The Mass State Police has auxiliary officers that

have full arrest powers and have gone through the police academy and they are assigned to different SPCA branches around the state.

NH could do the same if the Governor would appoint our agents as special auxiliary troopers, giving them the powers of arrest and search warrants and then we could be more valuable to our agencies and not have to get local PD's involved especially if they do not want to be involved. Presently it is hard to get a police involved and getting search warrants. Most Police Departments are concerned with the costs of seizing animals and holding animals for court and some have even refused to take on animal cases because of the costs.

Jan Gardner stated that domestic violence cases used to be the same way - police departments didn't get involved and now they are mandated to do so.

Animal Cruelty cases are now seeing the same issues/problems as domestic violence cases.

Jill Tucker's presentation was on how this is working in Vermont but she could have just as easily been talking about animal cruelty problems in NH.

One of the problems of implementing such a program as VT's CRS is funding. How can we figure out how to do this with little or no money? Jill reported her organization gets creative on a case by case basis, utilizing membership base dues, media response, grants, donations - so the non profits raise the money not the state.

As Steve Sprowl previously stated, the biggest obstacle for a town (especially a small town) is the cost of taking care of the animals until the case goes to court. Evidence has to be held until trial (which includes animals) so the costs become astronomical to a town's expenses especially when there are a number of animals involved. A case in point is the Warner, NH case of August 2005. Not only did the case involve the care of 57 animals but it also involved child services. The cost was \$320,000 just for the care of the animals.

Another is education. Education is the key to getting people trained to deal with the ever increasing animal cruelty cases this state is seeing.

We have talked about having training session for ACO's and have gotten the Police Academy to implement a more inclusive course on animal law. HSUS and the NHSPCA have given and are offering again one day workshops for ACO's etc who work with animal welfare.

Dr. Zezula would like to see if we can implement a program to be held at the governor's conference on domestic violence to include ACO's, veterinarians, police, forensic people, cruelty investigators, prosecutors etc. This potentially could get everyone at the table to have discussions, break out sessions.

Representative Carla Skinder, Joanne Bourbeau, Sheila Presby and Roni McCall would like to move forward to get a combined conference going with the domestic violence conference.

Another reason to do this combined conference is that many animal cruelty investigators, police departments, ACO's etc are seeing domestic violence cases when they go to investigate an animal cruelty case and social service caseworkers are seeing the same when they investigate child or elder abuse cases.

Something the commission should look into is Vermont's civil forfeiture law - which helps keep the costs of the care of the animals down by requiring the animals to be forfeited before trial. NH law states if a person(s) is convicted of animal cruelty then they have to pay restitution but getting the money doesn't always come back and if the case goes to appeal the costs increase substantially.

Steve Sprowl reports that NH has a \$2000 bond on misdemeanor cases per animal on cases on appeal; however he has yet to see judges issue the bond on such cases.

Steve also reported that he/NHSPCA handles about 70-80 animal cruelty cases a month. And every morning he spends about 2 hours just getting through the email requests or voice messages for help. His organization does the same initial processes as VT's CRS but because of his caseloads he cannot follow all the cases through to disposition. And many of these cases

are not going to trial because there is no one able to spearhead these cases till the end.

SB513 Senator Joe Kenney's bill on dog fighting which is currently going into the senates criminal justice subcommittee is requesting the costs to take care of the animals until trial and disposition may be taken from the property forfeitures. In cases such as these, there are usually associated seizure of money, drugs and property.

Steve Sprowl suggested the Dept. of Ag or State Police take on the CRS program to handle all the animal cruelty cases with 1 trained investigator for each county because they have the law enforcement arrest powers and could also handle civil citations.

Nancy Johnson reminded us of a case a few years ago where a number of horses were not being cared for and the agency handling the case asked for hay just for the horses. To get creative the media was asked to get involved to make announce the needs and there was an overwhelming response from individuals with the necessary supplies.

#### **Update on cruelty case cost analysis report for the Governor**

Roni McCall reported that we have identified some 200 high profile cases from 2003 to present and have gotten 61 case costs completed. The survey taken by the Commission a few years ago was used to include some the costs given by towns for 2003 and 2004. Roni along with Steve Sprowl, Maureen Prendergast and Stephanie Frommer are getting the information from their case files at present. After this information is compiled, the remaining cases information will come from the counties involved, including the ADA's/courts, town clerks etc. With the 61 cases identified the costs of these cases is \$559,676.21.

Mark Ellingwood asked if we could come up with the cost information by projection. For example Steve Sprowl indicated he handles 70-80 cases a month. Couldn't projections come from this information? Steve replied that each case cost varies because of the number of animals involved.

#### **Upcoming Legislation/Pending hearings**

Joanne Bourbeau provided the following information:

Bill Number	Sponsor	Committee	Title	Public Hearing	Action
HB666	O'Connell	Ways and Means	an act establishing a license fee for the sale of animal vaccines	2/14/2008 11:00	Passed House with amendments
HB1142	LaLiberte	Fish and Game	relative to licensure for bird breeders	1/10/2008 11:15	ITL
HB1143	Skinder	E&A	relative to penalties for failure to provide outdoor dogs with necessary shelter	2/19/2008 10:00	Passed House
HB1430	Vaillancourt	Criminal Justice	relative to the care of dogs used in dog racing	2/12/2008 1:00	Passed House
HB1522	Vaillancourt	E&A	relative to care standards for farm animals	2/19/2008 11:00	ITL
HB1609	Parkhurst	Criminal Justice	relative to misrepresentation of service animals	2/19/2008 10:00	Interim Study
HB1293	Phinizy	Ways and Means	animal population control program	2/20/2008 9:30	Passed House with amendments
HB1545	Wendelboe	Ways and Means	establishing a waiver option for live-racing tracks	2/19/2008 11:30	ITL
HB1569	Skinder	Criminal Justice	regulating the use of drugs on wildlife	3/4/2008 10:00	Passed House
HB1232	Bulis	Fish and Game	relative to regulation by fish and game department of baiting for game birds	2/14/2008 10:00	Passed House
HB1301	Tilton	Criminal Justice	relative to the definition of "service dogs"	2/19/2008 10:00	Passed House
HB1266	Lawrence	Fish and Game	allowing 50 caliber pistols to take game animals in the state	1/10/2008 10:45	Passed House and Senate
HB1314	Webb	E&A	relative to animal cruelty	2/24/2008 0:00	ITL
SB375	Roberge	Municipal and County Government	allowing veterinarians to inform town clerks about dogs that have been euthanized	3/26/2008 1:00	M&CG Committee OTP
SB504	Roberge	Public & Municipal Affairs	restricting the number of puppies to be sold by commercial kennels	2/12/2008 8:45	ITL
SB513	Kenney	Criminal Justice	relative to fighting animals	3/25/2008 10:30	Passed Senate with amendment - Subcommittee 4/1 10:00 LOB 204
HB581	Parkhurst	Judiciary	relative to the penalty for purposely mistreating service animals		HB581 Passed House. Senate Judiciary Committee will probably amend it slightly and OTPA

All of these bills can be found by going to the states webpage at <http://www.nh.gov> and going to the legislative section for bill searches

Update on <http://www.nh.gov/humane>

Elin Phinizy would like to see our website include links to sites about care of animals such as the AVMA's site <http://www.avma.org/care4pets/> or some of the sites with DIY plans for dog houses. Elin stated via email the best way to prevent the inhumane treatment of animals is to educate the public about proper animal husbandry.

Elin also, mentioned last month's discussion about doing PSAs. Rather than reinventing the wheel, wouldn't it be simpler to take advantage of some of the resources already available. For instance, the AVMA has quite a few PSAs about pet safety/care.

Sheila Presby reminded the commission members that revisions to the website is ongoing and everyone should come up with ideas for this website. Sheila also would like the commission members to write a short bio for the website - the information should be forwarded to the commission secretary for processing.

Jeri Zezula has gotten the website updated to state commission rather than taskforce as it was written previously from then Governor Benson's executive order.

### **New Business**

Deb Simson introduce her SWOT strategic plan to the commission members. Attached to these minutes is the handout. The commission members have been asked to send input with some more ideas as outlined in the handout to Roni so that she can get them summarized and Deb can compiled before the next commission meeting.

### **Announcements**

Presby Environmental will be providing a 20x 20 tent for animal advocacy groups at their annual country fair on July 26<sup>th</sup> 2008 in Whitefield, NH. The members were asked if they would like to utilize the tent for representing their individual organizations and provide information to the people in the North Country - everyone on the commission is invited to attend the event on July 26<sup>th</sup> from 10am-4pm.

Sheila asked that the organizations wanting to have some space in the tent contact her soon as the reservations will be first come first served and it is



limited in space. Steve Sprowl has reserved space for the NHSPCA and Roni McCall will have display/flyers for the National Animal Abuse Registry.

**Next Meeting Date**

Our next meeting will be on April 17<sup>th</sup> at 1:30pm to 4:00pm. Senate Room 100 has been confirmed for the meeting.

Meeting Minutes submitted by Roni McCall, Commission Secretary